

**SENATE, No. 1738**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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INTRODUCED FEBRUARY 13, 2020

**Sponsored by:**

**Senator STEVEN V. OROHO**

**District 24 (Morris, Sussex and Warren)**

**Senator DAWN MARIE ADDIEGO**

**District 8 (Atlantic, Burlington and Camden)**

**SYNOPSIS**

Allows commercial farmer to recover reasonable costs and attorney fees of defending against unreasonable complaints under “Right to Farm Act.”

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning the filing of complaints about farming  
2 activities, and supplementing P.L.1983, c.31 (C.4:1C-1 et seq.).  
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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*  
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7 1. A respondent who prevails in an action brought pursuant to  
8 section 5 of P.L.1998, c.48 (C.4:1C-10.1) because the commercial  
9 agricultural operation, activity or structure is found to be entitled to  
10 the irrebuttable presumption established in section 7 of  
11 P.L.1983, c.31 (C.4:1C-10) shall be awarded reasonable costs and  
12 attorney fees to be paid by the complainant upon a determination  
13 that the complaint was brought in bad faith.

14 A respondent seeking an award under this section shall submit an  
15 application to the county board or committee detailing the costs and  
16 attorney fees incurred in the defense of the complaint. If the county  
17 board or committee determines that the complaint was brought in  
18 bad faith, the county board or committee shall determine if the costs  
19 and attorney fees, or a portion thereof, are reasonable, and shall  
20 issue an order requiring the complainant to pay the reasonable costs  
21 and attorney fees.  
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23 2. This act shall take effect immediately.  
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26 STATEMENT  
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28 This bill would strengthen the legal protections provided to  
29 farmers under the “Right to Farm Act.” Specifically, the bill would  
30 allow farmers to recover reasonable costs and attorney fees incurred in  
31 the defense of bad faith complaints against commercial agricultural  
32 operations, activities or structures:

33 1) found to conform to an agricultural management practice  
34 recommended by the State Agriculture Development Committee  
35 (SADC); or

36 2) whose specific operation or practice has been determined by  
37 the committee or the appropriate county agriculture development  
38 board to constitute a generally accepted agricultural operation or  
39 practice; and

40 3) which does not violate any relevant State or federal law nor  
41 pose a direct threat to public health and safety.